

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 23-08-29-03

IN THE MATTER OF THE VACATION OF A
PORTION OF CAROL AVENUE, COUNTY ROAD NO.
1602, AND PORTIONS OF CLEO AVENUE AND
CECIL AVENUE, PUBLIC ROADS, LOCATED IN THE
NORTHEAST ONE-QUARTER OF SECTION 9,
TOWNSHIP 17 SOUTH, RANGE 4 WEST OF THE
WILLAMETTE MERIDIAN, IN LANE COUNTY,
OREGON, WITHOUT A PUBLIC HEARING.
(17-04-09-11)

WHEREAS The Surveyor's Office of the Department of Public Works has received a valid petition signed by James M. Lynch, signing as General Counsel of Seneca Sawmill Company, LLC representing 100% ownership of the properties abutting the portion of roads herein proposed to be vacated, by the authority of ORS 368.351, a vacation without a public hearing, more particularly described as follows:

That portion of Carol Avenue, County Road No. 1602, located between the west line of Lot 64 and the east line of Lot 63 of Kelso Addition to Irving, as platted and recorded in Book 14, Page 8, Lane County Oregon Plat Records, Lane County, Oregon.

AND:

That portion of Cleo Avenue located between the west line of Lot 69 and the east line of Lot 63 of Kelso Addition to Irving, as platted and recorded in Book 14, Page 8, Lane County Oregon Plat Records, Lane County, Oregon.

AND:

That portion of Cecil Avenue lying southerly of and adjacent to the east 50 feet of Lot 18 of Kelso Addition to Irving, as platted and recorded in Book 14, Page 8, Lane County Oregon Plat Records, Lane County, Oregon.

SAVE AND EXCEPT: a public utility easement for the purpose of preserving, maintaining, repairing, replacing, removing, or reinstalling any public utility facilities that exist within the bounds of the above-described roads.

WHEREAS, the petition complies with the provisions of ORS 368.351 in that the Petitioners are landowners of 100% of the properties abutting the proposed vacation, request the vacation be approved as proposed; and

WHEREAS, ORS Chapter 368.351 provides for the vacation of public roads and rights of way without a public hearing; and

WHEREAS, all three roads are located inside the Urban Growth Boundary off Prairie Road in Northwest Eugene but outside of the Eugene city limits. The roads were dedicated for public use on Kelso Addition to Irving, platted and recorded in Book 14, Page 8, Lane County Oregon Plat Records; and

WHEREAS, Eugene Water and Electric Board, Lane Fire Authority, Lane Council of Governments, Bethel School District, Northwest/Central Ambulance, Lane County Land Management, Lane County Transportation Planning, Lane County Road Maintenance, Lane Fire Authority, Bethel School District, Northwest/Central Ambulance, and Lane Transit District were sent referrals seeking comment on the proposed vacation. The above listed utility companies, agencies and providers either had no objection to the vacation or did not respond to our referral; and

WHEREAS, Lumen/CenturyLink and NW Natural Gas requests public utility easements be preserved for the purpose of operating and maintaining their facilities; and

WHEREAS, the Petitioners have agreed to retain a public utility easement for all public utilities that are located within the areas to be vacated; and

WHEREAS, ORS 368.331 states, *"A county governing body shall not vacate public lands under ORS 368.326 to 368.366 if the vacation would deprive an owner of a recorded property right of access necessary for the exercise of that property right unless the county governing body has the consent of the owner."* No landowner will lose legal access by approval of this action; and

WHEREAS, the public interest will be served by this vacation as Carol Avenue, Cleo Avenue, and Cecil Avenue are not needed for transportation purposes; and will remove the road right of ways from Lane County's jurisdiction; and will return a marginal portion of land to the County tax rolls; and

WHEREAS, the Director of the Department of Public Works has provided a written report in support of the proposed vacation, as required by ORS 368.351; and

WHEREAS, the Petitioners have paid a vacation fee deposit of \$3,400 and will pay actual costs incurred, including recording fees, upon final approval of the vacation; and

WHEREAS, all statutory procedures under ORS 368.351 necessary for this vacation have been complied with; and

WHEREAS, the Board is of the opinion that approving the vacation as petitioned is in the best interest of the public.

NOW, THEREFORE, the Board of Commissioners of Lane County **ORDERS** as follows:

1. Carol Avenue, County Road No. 1602, as described above is hereby VACATED.
2. Cleo Avenue and Cecil Avenue, Public Roads as described above are hereby VACATED.
3. Ownership of the vacated right of ways shall revert in accordance with ORS 368.366.
4. A public utility easement shall be retained for the purpose of operating, replacing, repairing, maintaining, inspecting, or reconstructing any public utility facility located within the portion of the roads to be vacated.

5. This Order be filed with the Lane County Clerk and entered into the records of the Lane County Board of Commissioners Journal of Administration, after which copies are to be forwarded to the County Surveyor and County Assessor for appropriate action.

ADOPTED this 29th day of August, 2023.

A handwritten signature in black ink, appearing to read "Pat Farr", is written over a horizontal line.

Pat Farr, Chair
Lane County Board of Commissioners